

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**TROY G. HAMMER,**

Plaintiff,

**v.**

**Case No. 19-CV-216**

**TODD HAMILTON, *et al.*,**

Defendants.

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**ORDER**

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The defendants filed a motion for summary judgment, which is now fully briefed. A couple of weeks after the defendants replied in support of their motion, plaintiff Troy Hammer filed a motion for sanctions. He asserts that the defendants' reply raises new arguments and attaches new supporting materials. He argues that "such submission[s] are not authorized by local Rule 56." (ECF No. 44 at 1.) Hammer notes that, under the rules, he is not permitted to address the new arguments and supporting materials. He argues that defense counsel "intentionally disregarded motion practices under Civ. L.R. 56 to take advantage of Plaintiff's incompetence in this legal process . . . ." (*Id.* at 1-2.)


It appears that the defendants supplemented their arguments and attached additional supporting materials to address arguments Hammer raised in his response to their motion. (*See* ECF No. 42 at 2.) Accordingly, sanctions are not

warranted. However, the court agrees that Hammer should have an opportunity to address to those arguments and supporting materials.

**THEREFORE, IT IS ORDERED** that Hammer's motion for sanctions (ECF No. 44) is **DENIED**.

**IT IS FURTHER ORDERED** that, by **July 26, 2019**, Hammer may file a sur-reply not exceeding five pages addressing the arguments and supporting materials that the defendants present in their reply.

Dated in Milwaukee, Wisconsin this 11th day of July, 2019.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge